



**THE UNIVERSITY of
NEW ORLEANS**

**ADMINISTERED BY: Office of the Provost
and Senior Vice President for Academic
Affairs**

Policy No: AP-AA-12.3
TITLE: FERPA Compliance
EFFECTIVE DATE: August 15, 2014*
(*Policy Revised, see below)
CANCELLATION:
REVIEW DATE: Fall 2020

PURPOSE

The University of New Orleans collects and maintains data and information about students for designated periods to facilitate the student’s educational development. The University recognizes each student’s privacy rights in exercising control over what information or data about themselves retained by the University of New Orleans may be disclosed, while at the same time balance that student’s interest with the university’s need for information relevant to the fulfillment of its educational mission.

The purpose of this policy is to identify the procedures applicable to the collection, maintenance, and disclosure of student records in accordance with the Family Educational Rights and Privacy Act of 1974(FERPA) as well as exceptions related to nonimmigrant students.

AUTHORITY

Part Two, Chapter III, Section IV of the bylaws and rules of the University of Louisiana System and Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), IIRIRA § 641(c)(2)[16], 8 U.S.C.1372(c)(2), and 8 CFR 214.1(h)[17] regarding exceptions to FERPA for specific nonimmigrant students.

GENERAL POLICY

This policy applies to all students after they have been matriculated, regardless of age, in attendance at the University of New Orleans. In addition, the University will annually inform all students of their rights under FERPA, including information regarding the existence and location of records, the process by which records may be accessed, disclosed, and/or challenged and to maintain certain records consistent with internal departmental records retention policies.

DEFINITIONS

1. **Educational Record:** Student educational records are defined as records, files, documents, and other materials containing information directly related to a student that are maintained by the University of New Orleans or by a person acting for the University pursuant to University, college, campus, or departmental policy. This broad definition extends to the

information maintained by every office and department at the University of New Orleans and its satellite campuses.

Student educational records do not include:

- A. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute (e.g. records of instructional techniques employed such as peer- grading of papers or exams before they are collected and maintained by the instructor or professor.)
- B. Notes of a professor/staff member concerning a student and intended for the professor's/staff member's own use are not subject to inspection, disclosure, and challenge.
- C. Records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement.
- D. Records relating to a student who is employed by the University of New Orleans, not as a result of his/her status as a student that:
 - i. Are made and maintained in the normal course of business;
 - ii. Relate exclusively to the individual in that individual's capacity as an employee; and,
 - iii. Are not available for use for any other purpose.

However, employment records relating to University students who are employed as a result of their status as students are considered educational records.

- E. Records on students that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting or assisting in that capacity are not subject to the provisions of access, disclosure, and challenge. Such records, however, must be made, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than the persons providing such treatment or a substitute. Such records may be personally reviewed by a physician or other appropriate professional of the student's choice.
- F. Application records of students not admitted to the University; however, once a student has enrolled in an academic offering of the University, application information becomes a part of the student's educational records.
- G. Alumni records created following the student's graduation.
- H. Financial Aid information submitted by students' parents.

2. **Student:** An individual currently or previously enrolled in any academic offering of the University either in person, through correspondence, or any other means. For the purposes of this policy, enrollment begins at the point of matriculation; that is where an accepted student firmly expresses intent to register for courses either in writing or through one or more of the following: attends orientation and/or pays part or all relevant fees, tuition, or other expenses. It does not include persons who have been admitted but did not attend the University of New Orleans.
3. **Directory Information:** That part of an educational record of a student that would not generally be considered harmful or an invasion of privacy if disclosed and may be disclosed without the prior consent of the student. The University of New Orleans reserves the right to approve, deny, or partially honor requests for student information from third party entities.

At the University of New Orleans, this information includes:

- A. name
- B. address (local and permanent)
- C. telephone number (local and permanent)
- D. college issued email address
- E. University of New Orleans attendance dates
- F. University of New Orleans college in which student was enrolled
- G. University of New Orleans degrees earned (with dates)
- H. academic honors and awards
- I. weight and height of members of athletics teams
- J. participation in officially recognized activities and sports
- K. the most recent educational agency or institution attended by you
- L. grade point average*
- M. hours completed

* To be released only to UNO sponsored organizations, for use in determining initial or continued eligibility for membership in a local, state, or national organization, or use in compiling academic statistics required by the parent organization.

A student is entitled to request directory information not be disclosed without prior consent through the Registrar's Office. The request must be made in person with proper identification. Once requested, all access to any student information is withheld to the extent permitted by law. It will remain in effect until canceled in writing by the student. Any request for changes becomes effective five days following the request.

4. **Legitimate Educational Interest:** A university official may access and review student records without the student's consent in order to fulfill his or her professional responsibility. Sole Possession Records are those records of the maker thereof which are not accessible or revealed to any other person; therefore, sole possession records, by their very nature/definition, are protected and cannot be utilized by any other person. Records shared to more than one person are not considered Sole Possession Records and are therefore interpreted as an educational record.

An entity under contract with the university, providing volunteer services, or other service providers, are considered to have legitimate educational interest if they are performing a function or service which the university would otherwise provide using its own employees. University officials or the related entities described above may have access to only those educational records in which the legitimate educational interest has been established.

5. **University Officials Responsible for Student Records:** The University Registrar is recognized as the campus FERPA Coordinator. The following are designated as responsible for the collection and maintenance of student records within their respective areas.

- A. University Registrar
- B. Bursar
- C. Director of Financial Aid
- D. Director of Admissions
- E. Academic Deans and Deans' Offices
- F. Medical Records Manager
- G. Director of University Counseling Services
- H. Director of Disability Services
- I. Director of Career Development
- J. Program Director, Intensive English Language Program
- K. Director of the Division of Professional and Continuing Education
- L. Other officials as defined by the campus FERPA Coordinator

PROCEDURE

1. General Disclosure of Education Records

a. Direct Disclosure to the Student:

A student has the right upon request to the appropriate university official to review his/her educational record. This request may be supplied orally (in person with proper identification) or in writing. The appropriate university official will respond within forty-five days. The response will be to:

- I. Provide copy of the requested record, or,
- II. Arrange an appointment for the student to review the record.

b. Students will not have access to the following records:

- I. Financial aid information submitted by the student's parents.
- II. Confidential letters of recommendation associated with admissions, employment, job placement or honors where the student has waived his/her rights of access.

III. Records containing information about more than one student. The student will be permitted access only to that part of the record that pertains to the inquiring student.

c. Records will not be released in the event the student record is sealed for financial indebtedness or other reason. The student may only view the record, but not receive a copy. For certain records, such as transcripts, fees have been established. For copies of other records, the student may be charged a reasonable administrative fee.

2. Disclosure Without Prior Consent

- A. Directory information - as defined above under Definitions Item 3, Directory information - may appear in public documents without consent. Students may declare directory information to be held confidential through online student services. Outsourced services may have access to directory information to perform specifically defined functions that would have been otherwise provided to university employees. Aggregate student directory information will not be provided to any commercial enterprise with which it does not have such an affiliation or contractual relationship that specifically addresses the collections, stated use, maintenance and eventual dispositions of the record.
- B. Other Educational Institutions: the university may release applicable educational records to officials of other educational institutions to which a student has applied, is enrolled or intends to enroll.
- C. Judicial Orders or Subpoenas: Information concerning a student shall be released in response to a lawful subpoena, judicial order, or legislative proceedings. The University will make every effort to provide advance notice to the student (with opportunity to quash) unless the subpoena or order prohibits such notification. Educational records will be disclosed to the U.S. Attorney General or his/her designee in response to an order concerning an authorized investigation or prosecution of domestic or international terrorism without prior notice to the student.
- D. Health and Safety Emergencies: The University may disclose student information on an emergency basis when that information is necessary to protect the health and/or safety of the student or the university community.
- E. Financial Aid: The University may release student information in connection with the student's application for receipt of financial aid only to the extent necessary for the purposes of determining eligibility, amount, conditions, and/or enforcement of such financial aid.
- F. Federal and State Authorities: The University may release student educational records to authorized federal and state officials for the audit or evaluation of federally supported programs, or the enforcement of federal or state legal requirements that relate to those programs. Except when specifically authorized, the data will exclude personally identifiable information.

- G. Department of Homeland Security and Department of State: The University is required to report specific information concerning F and J nonimmigrant students as outlined in 8 U.S.C. 1372, §214.3(g), and 22 CFR 62.10(f)-(g) [24] to maintain authorization to enroll these students. Requirements to report continue beyond students' completion of the academic program to the extent outlined in the regulations. Information reported under this section is strictly limited to the agencies named and will include only the students and specific data required by the regulations listed above.
- H. Parents of Dependent Students: Parents of a student who is a dependent for federal tax purposes as defined by Section 152 of the Internal Revenue Code of 1954. Parents may demonstrate the tax dependency of a student only by submitting the most recently filed federal tax return showing the student as a dependent. For the purposes of this policy, all University of New Orleans students are considered not dependent within the meaning of the Internal Revenue Code.
- I. Education Related Organizations: Information from student records with the exception of personally identifiable information may be released to educationally related organizations for the purpose of developing tests, student aid programs, improving instructions, or institutional accreditation.

3. Disclosure with Prior Consent

With the student's prior written consent, the university will release personally identifiable student information and content of student records. The consent must be written, signed and dated. The consent must specify the record to be disclosed, and the person(s) to whom the records are to be disclosed.

4. Challenge or Amend Records

- A. A student is entitled to challenge and/or amend the factual basis of any record under the purview of this policy. The basis of the challenge is to ensure such entries are not inaccurate, misleading, in violation of the student's privacy and to provide an opportunity to correct or delete any such inaccuracies. The judgment of a faculty member about a student's academic work expressed in grades and/or evaluation cannot be challenged under this policy.
- B. A student may request to challenge or amend the content of a record. That request must be made in writing to the appropriate University official who has responsibility for maintaining the record in question. Official supporting documentation needs to be provided at the time of the request. The University official is authorized to amend the record as appropriate. The student is afforded the opportunity to place a written statement commenting upon the challenged information. Those comments will be retained in the record for a time period consistent with the departmental records retention policy.
- C. The student may be afforded a hearing on the matter. The hearing will be conducted within the University division within which the challenged record is maintained. The student will be provided opportunity to present evidence relevant to the issues of record entry validity. The student is entitled to receive a written summary of the findings and

reasons for the decision. An adverse decision may be appealed to the President of the University or his/her designee.

Complaints: A student who wishes to allege a failure by the University to comply with the Family Educational Rights & Privacy Act (FERPA) may file a formal complaint in writing to:

[Family Policy Compliance Office U.S. Department of Education](#) 400 Maryland Avenue S.W.
Washington D.C. 20202-4605



John W. Nicklow
President
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**Policy Updates:
Revisions: 9/17/2018*